

⁵⁸ Tçauçigua (fleshless women), alias Çiçemine. More properly, Tzitzimimine (Anales II, i, 7), the dreadful ones. The conclusion of a cycle was a grave event for the Mexicans, for, according to their religious ideas, it was possibly the date for the end of the world. "All the inhabitants," says Torquemada, "were in great fear and trembling lest when the lights were extinguished they should never more be rekindled, but on that very night the human race would come to an end, and darkness eternal would reign over all; no sun should ever appear again, but the *Tzitzimimes*, fearful demons, would descend and eat up all mankind." *Anales, &c.*, II, i, 7.

⁵⁹ 1. *Se echaron una con otra.*

^{59*} Quey, ver, omitted? In which case the sentence read *Este no pudo (ver), à Montezuma*, could not bear with Montezuma, detested him.

⁶⁰ How much more humane than the maxim of the civil law, *partus sequitur ventrem*! One who lay with an immature girl, or another's slave, became a slave. (Garcia, 3, 2, III: Torquemada, XII, 8; Herrera, IV, 8, 10.)

^{61*} Tianguetz should be more properly Tianquitzli. (Anales III, 2, 66.)

⁶² *Papa*. "The Mexicans called in their tongue the Supreme Pontiffs by the name of *Papa*." (Herrera III, II, xv, p. 690. *Similiter*, Garcia V, XII, 300.)

Papachtic. "He of the flowing locks," corrupted to *Papa*, was one of the names of Quetzalcoatl (A. H. M., 69), hence the title may easily have been transferred to his priests.

The Pennsylvania Prison System. By Richard Vaux.

(Read before the American Philosophical Society, June 20, 1884.)

The Pennsylvania Prison System had its origin in an effort to correct the abuses in the place of incarceration of all classes of violators of law. The common jail, under the colonial government of the Province of Pennsylvania, was the receptacle of every such offender.

In the city prison of Philadelphia, located at Market and Third streets, in 1770, young and old, black and white, men and women, boys and girls were congregated indiscriminately in custody, for misconduct, misdemeanor, and felony, either before trial, after conviction, or for want of bail for surety of the peace. It was a moral pest-house. Bad as it was, it was better than Newgate, for England was without a rival in the infamous management of her then chief public prison in London.

So early as 1775 a sensible, thoughtful man—a merchant—Mr. Richard Wistar, residing near by, had his attention directed to the horrible condition of this city prison. In 1776, on the 7th of February, a society was formed, styled the "Philadelphia Society for Assisting Distressed Prisoners." The occupation of Philadelphia by the British army terminated the labors of this society in the month of September, 1777. In the year 1787, May 8th, the first society was revived by its successor "The Philadelphia Society for Alleviating the Misery of Public Prisons." Some of the members of the first Society, and others like-minded, engaged in this revival of the organization of 1776.

On the 16th of August, 1787, William White, D.D., Bishop of the Prot-

estant Episcopal Church, as president of this society, addressed the citizens of Philadelphia for aid—aid for a practical benevolence which found the evil, and undertook to apply the remedy. It was not humanitarianism—that restless agitation of the sympathies of try-to-do-something people, which usually is converted into mist.

The criminal laws from 1718 to 1794 were ameliorated. In 1718 ten crimes were capital. On the 15th of September, 1786, by the influence of an already developed interest, an act of Assembly was passed to markedly modify the criminal code of the province. This was the first legislative reform. It substituted for robbery, burglary, and the crimes against nature, imprisonment at hard labor, for the death penalty. On the 27th of March, 1789, this first act was amended. The act of April 5th, 1790, repealed both acts, and the act of 1794 made murder only, a capital crime. No important legislation, as to the criminal code, occurred from 1821 to 1860.

The first Constitution of the State in 1776, chapter 2, section 28, provided "That punishments be made in some cases less sanguinary;" and by section 39, hard labor in prisons be substituted. In 1786 some of these provisions were enforced. "Penn's Great Law" of 1682, enacted for his province, 10th section, provided that "all prisons shall be workshops for felons, vagrants, and loose and idle persons." Prior to the Revolution these laws were generally disregarded.

From Mr. Richard Wistar's first efforts in 1775, till April 5th, 1794, slow but effective measures were taken to reform the penal laws and the prison system of Pennsylvania. They were the outcome of the earliest practical thoughts on this subject in America.

It is to be noticed that in Italy, 1718, the Hospital of St. Michael was founded, and there was first introduced in Europe reforms in prison discipline. It was an experiment suggested by philosophy and benevolence, and remained for nearly a century the only like instance on that continent.

It was a successful undertaking. Parenthetically it may be said, without too broad an assertion that, so far as is known, the present congregate prisons of the United States in some features are copies of the St. Michael, originated one hundred and sixty-six years ago.

In 1718, February 22d, a law was passed for erecting houses of correction and work-houses in the Province of Pennsylvania. While this law of 1718 authorized these establishments, they were intended simply as receptacles for vagrants and incapables.

In 1775 a work appeared on "The State of Prisons in England and Wales," which first directed the attention of the English people to the subject of the then terrible condition of these institutions.

During this progress of a thoughtful investigation into the needed reform of existing methods of prison management, it became apparent to those in Philadelphia engaged in the examination, that a radical change in both the crime code, and the punishment of convicts was the only possible relief for the abuses and miseries existing in the prisons. The crime code was

severe without discrimination, the prison treatment of convicts was irrational, disgraceful, and produced those results both were intended to prevent.

The evil was at the root of convict treatment, at the foundation on which the plan rested. Incarceration at hard labor was the only specific for all felonies or crimes of aggravation.

The public mind considered public safety secured if violators of law were imprisoned, and there it ceased to regard the crime or the criminal.

This actual condition of the law and its administration convinced the able men interesting themselves in the question, that in the incarceration of criminals a thorough change of method must be established by law.

The associating or congregating convicts at work or otherwise while in prison was deemed so unwise, degrading, and irrational, if any benefit to the prisoner or advantage to society was expected from imprisonment, that this form of treatment must primarily be abolished. This was the initial step in prison reform. The leading minds investigating this subject reached this conclusion so early as 1787.

A memorial from the Society for Alleviating the Miseries of Public Prisons was addressed to the representatives of the freemen of the Commonwealth of Pennsylvania in General Assembly met, on the shocking treatment of prisoners then existing, in which it is stated "that punishment by more private or even solitary labor would more successfully tend to redeem the unhappy objects." The memorialist recommended for the consideration of the General Assembly "the very great importance of a separation of the sexes in public prisons." Legislation to this end was asked. In this memorial is to be found the first suggestion of two principles, which either in their assertion or presentation, gave no promise of the signal importance they were to exercise over the subject of prison reform, or that they were to become the basis of the Pennsylvania prison system. They were the origin of the system of separation of prisoners during their incarceration, and that labor was an element in their punishment.

To this memorial the Supreme Executive Council of Pennsylvania, on the 20th of November, 1788, replied by the adoption of a resolution asking information as to its subject-matter.

The society made a full statement to this resolution of inquiry, and it was presented to the Council in 1788.

In the following year the society presented a plan for the positive improvement of the prison discipline of the State.

The propositions contained in this plan were enacted into the law of 1790.

In 1773 the erection of a State prison was begun, located at the southeast corner of Sixth and Walnut streets, in Philadelphia, and on its completion the test was applied of the reforms suggested.

The Legislature, by the act of April 8th, 1790, to reform the penal laws of this State and try the separate confinement principle of imprisonment, declared its purpose in this act as follows: * * *

“ And whereas, the laws heretofore made for the purpose of carrying the said provisions of the Constitution into effect have in some degree failed of success, from the exposure of the offenders employed at hard labor to public view, and from the communication with each other not being sufficiently restrained within the places of confinement ; and it is hoped that the addition of unremitted solitude to laborious employment, as far as it can be effected, will contribute as much to reform as to deter.

“ Section 8 of the act provides for the erection of cells in the gaol yard for the purpose of confining there the more hardened and atrocious offenders. Section 10 declares the cells to be a part of the gaol and requires all persons who cannot be accommodated in the cells to be kept separate and apart from each other, as much as the convenience of the building will admit.

“ Section 18 restricts the visitors to the prison to various officials and persons having a written ‘ license ’ signed by two inspectors.”

This law was a decided triumph for those engaged in prison reforms. It was the first authoritative endorsement by the Legislature of Pennsylvania of the two principles to which attention has been called. Though tentative in its object, it placed the Pennsylvania prison system on its trial, limited as it was to the most ill-devised and circumscribed opportunities.

In the year 1801 the society again addressed the Legislature stating the progress made by former Legislatures in preventing crime and reforming criminals were satisfactory, * * * “ though it was not expected that the practical part could be suddenly or completely effected.” It was considered then only as an experiment. The society again urged the Legislature to make a fair experiment of solitude and labor on convicts.

In 1803 a marked confidence is shown by the memorial of the society to the Legislature, as the following extract proves :

“ Placed as we are in a situation to observe the salutary effects of solitude and labor in preventing crimes and reforming criminals, we trust you will as heretofore receive our application with indulgence, and therefore again respectfully submit to your consideration the propriety of granting another building for the purpose of making such separation amongst prisoners as the nature and wants of this truly benevolent system requires.”

Persistent in its efforts, and gaining knowledge and faith from experience, in 1818 the society more broadly expressed itself in a memorial to the Legislature. Confirming the satisfaction which thus far had attended the trial of the system, imperfect as it was, the memorialist * * “ therefore respectfully request the Legislature to consider the propriety and expediency of erecting penitentiaries in suitable parts of the State for the more effectual employment and separation of prisoners, and of proving the efficacy of solitude on the morals of those unhappy objects.”

After such earnest appeals, asserting the confident belief in the principles of separation of convicts during imprisonment by men whose high

character and large ability gave great weight to their opinion, the Legislature could not fail favorably to regard the prayers of the society.

But it was not till 1821, that, after the last effort of the society to obtain the necessary and essential legislation, the law was passed on March 20, 1821, for the erection of a State Penitentiary within the city and county of Philadelphia.

Justice, simple justice, to the labors which resulted in the enactment of this law, and the men who secured its passage, makes it proper to give this memorial of the society on which the Legislature was induced to act. It is a statement, or the epitome of the reform, for the half century preceding its publication :

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met :

The memorial of the Philadelphia Society for Alleviating the Miseries of Public Prisons, respectfully represents :

That it is now nearly forty years since some of your memorialists associated for the purpose of alleviating the miseries of public prisons, as well as for procuring the melioration of the penal code of Pennsylvania, as far as these effects might be produced through their influence.

In performance of these duties which they believed to be required of them by the dictates of Christian benevolence and the obligations of humanity, they investigated the conduct and regulations of the jail, and likewise the effects of those degrading and sanguinary punishments which were at that period inflicted by the laws of this Commonwealth. The result of these examinations was a full conviction that not only the police of the prison was faulty, but the penalties of the law were such as to frustrate the great ends of punishment by rendering offenders inimical, instead of restoring them to usefulness in society.

With these impressions, alterations in the modes of punishment and improvements in prison discipline were from time to time recommended to the Legislature, by whose authority many changes were adopted, and many defects remedied.

These reforms, from the nature of existing circumstances, were, however, of comparatively limited extent, but as far as the trial could be made, beneficial consequences were experienced.

Neighboring States and remote nations directed their attention to these efforts, and, in many instances, adopted the principle which had influenced the conduct of Pennsylvania.

At the time of making the change in our penal code, substituting solitude and hard labor for sanguinary punishments, the experiment was begun in the county jail of Philadelphia, rather than the execution of the laws should be deferred to a distant period, when a suitable prison might be erected. Under all the inconveniences then subsisting, the effects produced were such as to warrant a belief that the plan would answer the most sanguine wishes of its friends, if it could be properly tried. But

the construction of that prison and its crowded condition, being the only penitentiary used for all the convicts of the State, leave but slender hopes of the accomplishment of the humane intentions of the Legislature.

Your memorialists believe that they discover in the recent measures of the Commonwealth, a promise which will fulfill the designs of benevolence in this respect. The edifice now in progress at Pittsburg for the reception of prisoners, constructed upon a plan adapted to strict solitary confinement, will go far towards accomplishing this great purpose; and your memorialists are induced to hope that the same enlightened policy which dictated the erection of a State prison in the western, will provide for the establishment of a similar one in the eastern part of the State.

Reasons of the most serious and substantial nature might be urged to show the absolute necessity which exists for a penitentiary in the city and county of Philadelphia, whether we regard the security of society or the restoration of the offenders against its laws. It will not be necessary here to recite the alarming proofs which might be adduced in support of their opinions, but refer to the documents herewith furnished, which exhibit the actual condition of the prison. Your memorialists, therefore, respectfully request that you will be pleased to take the subject under your serious consideration, and if you judge it right, to pass a law for the erection of a penitentiary for the Eastern District of the State, in which the benefits of solitude and hard labor may be fairly and effectually proved.

Signed by order and on behalf of the Society.

WILLIAM WHITE, *President.*

WILLIAM ROGERS, *Vice-President.*

THOMAS WISTAR, *Vice-President.*

NICHOLAS COLLIN,

SAMUEL POWEL GRIFFITHS,

JOSEPH REED,

ROBERTS VAUX.

Attest: CALEB CRESSON, *Secretary.*

This agitation of the reform in both the penal laws and system of convict punishment, though originating and developed in Philadelphia, extended to the western part of the State. On the 3d of March, 1818, the Legislature authorized the erection in the county of Allegheny, of a State penitentiary on the "solitary" plan, and in 1820 it was in the course of completion.

The non-association of prisoners being the primary object of the friends of the movement at its inception, and the congregation of all ages, sexes, and degrees of criminality being the gross evil sought to be abolished, it was necessary to suggest a method of incarceration which was in radical antagonism to the existing abuse. More intent in the trial of the proposition than in designating it by any special term, the word *solitary* seemed almost unconsciously to assert itself as the descriptive name of the reformed system. It was not in any sense the technical definition, and it

in some degree eliminated the idea of solitary, as contradistinguished to the associate or congregate relations of all prisoners in the county prisons or jails.

The use of this term "solitary" was most unfortunate in the first days of the trial of the new theory. Very much of the opposition that arose against it came from the misconception of the subject by the use of this word.

The Allegheny prison was designed by Mr. Haviland, an architect of Philadelphia, of very high professional repute. As there was no example on which to rely for the plan of the building intended for the complete and unexceptional *separation of convicts during imprisonment*, Mr. Haviland had to conceive the plan of the building from the information he could obtain from its advocates, and those few who were enlisted as its promoters.

The drawings for the Pittsburg prison, as it was called, were from the first impressions of what was necessary.

In 1821, when the Eastern or Philadelphia State Penitentiary was erected, Mr. Haviland's experience suggested many improvements, so that the Eastern Penitentiary, in 1829, when it was opened for the reception of convicts, was of course regarded as the true exposition of the *separate*, called however the *solitary*, system.

An examination of the corridors first erected prior to 1829, and those erected in 1872, will give the best idea of the improvements which experience made manifestly necessary.

Naturally so radical a change in the criminal law, act April 23d, 1829, and the mode of convict punishment, act March 20th, 1821, and the act of 28th March, 1831, as followed the partial completion of the *solitary* prison, and the enactment of these laws relating to crimes and penalties, caused discussion, hostilities, and opposition.

Better to condense the arguments of the friends and opponents of the Pennsylvania prison system, as it was then styled, the following extracts are given from then accepted authority :

Roberts Vaux, in his reply, 1827, to Mr. William Roscoe, of London, thus answers his chief objections :

"It is very evident to my mind that the true nature of the separate confinement which is proposed, requires explanation. I will, therefore, endeavor to describe what is intended by its friends. Previously, however, it ought to be understood that the chambers and yards provided for the prisoners are like anything but those dreary and fearful abodes which the pamphlet before me would represent them to be, 'destined to contain an epitome and concentration of all human misery, of which the Bastille of France and the Inquisition of Spain were only prototypes and humble models.' The rooms of the new penitentiary at Philadelphia are fire-proof, of comfortable dimensions, with convenient courts to each, built on the surface of the ground—judiciously lighted from the roof—well-venti-

lated and warmed, and ingeniously provided with means for affording a continual supply of excellent water, to insure the most perfect cleanliness of every prisoner and his apartment.* They are, moreover, so arranged as to be inspected and protected without a military guard, usually though unnecessarily employed in establishments of this kind in most other States.

“In these chambers no individual, however humble or elevated, can be confined, so long as the public liberty can endure, but upon conviction of a known and well-defined offence, by a verdict of a jury of the country, and under the sentence of a court for a specific time. The terms of imprisonment it is believed can be apportioned to the nature of every crime with considerable accuracy, and will no doubt be measured in that merciful degree which has formerly characterized the modern penal legislation of Pennsylvania. Where, then, allow me to inquire, is there in this system the least resemblance to that dreadful receptacle constructed in Paris during the reign of Charles the Fifth, and which at different periods, through four centuries and a half, was an engine of oppression and torture to thousands of innocent persons; or by what detortion can it be compared to the inquisitorial courts and prisons that were instituted in Italy, Portugal and Spain, between the years 1251 and 1537?

“With such accommodations as I have mentioned, and with the moderate duration of imprisonment contemplated on the Pennsylvania plan, I cannot admit the possibility of the consequences which thy pamphlet predicts, ‘that a great number of individuals will probably be put to death by the superinduction of diseases inseparable from such mode of treatment.’ I do not apprehend either the physical maladies so vividly portrayed, or the mental sufferings which, with equal confidence it is promised, shall ‘cause the mind to rush back upon itself and drive reason from her seat.’ On the contrary, it is my belief that less bodily indisposition, and less mortality, will attend separate confinement than imprisonment upon the present method, for which some reasons might be given that would be improper here to expose.

“By separate confinement, therefore, it is intended to punish those who will not control their wicked passions and propensities, thereby violating divine and human laws; and, moreover, to effect this punishment, without terminating the life of the culprit in the midst of his wickedness, or making a mockery of justice by forming such into communities of hardened and corrupting transgressors, who enjoy each other’s society, and condemn the very power which thus vainly seeks their restoration and idly calculates to afford security to the State from their outrages in the future.

“In separate confinement every prisoner is placed beyond the possibility of being made more corrupt by his imprisonment, since the least associa-

* The exact size of the chambers is eight feet by twelve feet, the highest point of the ceiling sixteen feet. The yards are eight feet by twenty feet.

tion of convicts with each other must inevitably yield pernicious consequences in a greater or less degree.

“In separate confinement the prisoners will not know who are undergoing punishment at the same time with themselves, and thus will be afforded one of the greatest protections to such as may happily be enabled to form resolutions to behave well when they are discharged, and be better qualified to do so ; because plans of villainy are often formed in jail which the authors carry into operation when at large, not unfrequently engaging the aid of their companions, who are thereby induced to commit new and more heinous offences, and come back to prison under the heaviest sentences of the law.

“In separate confinement it is especially intended to furnish the criminal with every opportunity which Christian duty enjoins for promoting his restoration to the path of virtue, because seclusion is believed to be an essential ingredient in moral treatment, and, with religious instruction and advice superadded, is calculated to achieve more than has ever yet been done, for the miserable tenants of our penitentiaries.

“In separate confinement a specific graduation of punishment can be obtained, as surely and with as much facility as by any other system. Some prisoners may labor, some may be kept without labor ; some may have the privilege of books, others may be deprived of it ; some may experience total seclusion, others may enjoy such intercourse as shall comport with an entire separation of prisoners.

“In separate confinement the same variety of discipline for offences committed after convicts are introduced into prison which any other mode affords can be obtained, though irregularities must necessarily be less frequent, by denying the refractory individual the benefit of his yard, by taking from him his books or labor, and, lastly, in extreme cases, by diminishing his diet to the lowest rate. By the last means the most fierce, hardened, and desperate offender can be subdued.”

The attention of leading minds in Europe was directed to these experiments in Pennsylvania.

England sent, in 1834, Mr. Crawford, a commissioner, to examine the Eastern State Penitentiary. They were followed by Mr. Beaumont and Mr. DeTocqueville, from France, and by Dr. Julius, from Prussia. The investigations made by these very able men were so satisfactory that in those countries reforms were adopted which largely partook of the principles incorporated in the Pennsylvania prison system.

From the date of the opening of the Eastern State Penitentiary for the reception of convicts (1829) until 1845. the subject of the adaptation of the system to its design received the careful attention of those so earnestly devoted to the success of the experiment. There has been no legislative change in the system as adopted in the Eastern State Penitentiary since the act establishing it, 1821.

It would burden this paper to give the results reached as they were

developed. The criticisms which were made by those who doubted its practicability, who opposed its principle, who believed it would be injurious in its effects on those subjected to its operation, and who feared the cost would not pay for its benefits, were continued, and, strange it is to say, yet continue, though the experience of half a century refutes them.

The philosophy of "separate or individual treatment" of prisoners during incarceration is the basis on which this system rests.

The originators and early advocates of a method of convict punishment, which as they then knew was only to be the non-association of all criminals in a common jail, were content if this reform could be secured. Such a plan having been adopted and put in operation, the principle of the experiment of constant separation of individual convicts in prison became the subject of careful study.

The objections were magnified as it became apparent that the idea of making profit out of the associate labor of prisoners was, though a superficial, a popular view, addressed to both the prejudices and the susceptibilities of the tax-payer. In every other State then, but Pennsylvania, the congregate system was accepted because it was claimed that these prisons could be self-supporting. This delusion is now being dispelled. Yet these self-supporting prisons demanded the public favor, and to secure this result prisoners were sold to contractors, who paid a fixed sum per diem for their toil, and made from their associate work in shops, large profits for these employers. So great a stimulus to the greed of those interested, and the indifference of the public, at last resulted in changing the Pittsburg Penitentiary from the separate into a congregate prison.

It was left to the Eastern State Penitentiary to defend the separate method. The progress made in the adaptation of punishment to each individual case, as experience and careful study demonstrated was practically for the best interest of the prisoner and the community, became singularly satisfactory.

From 1845 to 1855 the advance in the development of the promised advantages to the convict and society of this reform in prison discipline, marked a new era in the history of convict punishment.

During this period the experience gained by the advocates of the separate system enabled the authorities of the Eastern Penitentiary to ascertain the improvements that were necessary both in the architecture of the building, and the method of administering the discipline.

The corridors and the cells as they then existed were found to be ill-suited to the special mode of management then being inaugurated. To indicate these changes, it may be stated that the rooms now, 1884, constructed for each prisoner, are eight feet wide, eighteen feet long, fourteen feet high, with double skylights in the ceiling, each five feet long by five and one-half inches inside width. There are air-tubes near the floor for outside ventilation. Each room has gas, fresh water, and a closet with perfect drainage, through a pipe four inches in diameter, into a ten-inch

main filled with water, flowing into a sewer, all flushed daily. The moral effect of these surroundings of each prisoner cannot be overestimated.

It was not until 1870 that the knowledge acquired by those directly connected with the administration of the Eastern State Penitentiary, was so thoroughly digested as to justify them in establishing the changes in the treatment of the prisoners, and the improvements in the buildings erected in 1877, which give to this institution its present characteristics. It is now attracting the close examination of the most enlightened men of America and Europe. France is earnestly investigating it, and the Prison Society of Paris preëminently leads the exposition of its methods. These changes from the original structure of the cells, and the relations of the prison authorities with the prisoners are best described as radical. Philosophy has consummated what philanthropy originated, and experience has developed what the founders of the Pennsylvania prison system were not gifted to foresee. These men, worthy as they are of the highest commendation, began an experiment out of which have been evolved principles of science that, now in operation, create new and distinctive duties and responsibilities between society and its criminals.

The present system of convict punishment as administered in the Eastern State Penitentiary can best be described as the individual treatment method of applying punishment for crime. It formulates this reform on positive philosophic principles.

The individual commits crime from motives with which the will, characteristics, inherited traits and training are related. This crime-cause is different in each case. The crime is the development of these concurrent influences. Society has suffered by the act of this person. It demands an expiation in some sort for the premeditated wrong. Security for either the rights of property or the rights of persons has been impaired by this act. The offender must be punished. It must be an example expressing the supremacy of law, the prevention of crime, and the purpose of restoring the offenders to society, instructed and strengthened, if so be, for good citizenship. The offender is convicted for the crime and the court sentences him to imprisonment. He is thus placed where his punishment can be applied. From the conception of the crime, in its commission, at the trial, conviction and sentence, the prisoner's individuality asserts itself. These antecedents crystallize round the individual. His punishment, to be effective, should therefore be applied to him as an individual. Separated from all other prisoners, the means which his case requires can be best discovered and best adapted to obtain the result society demands.

Under these conditions each prisoner is subjected to the discipline. Whatever may serve to elevate his moral character and strengthen it, to induce reform and inspire better aims in life, are addressed to his developing remorse. Special aptitudes and particular capacities are cultivated. Books for instruction and labor for training to industry are regarded as essential. A certain sum is allowed, over the cost of maintenance, for the prisoner to aid in the support of his family, or for himself when he is

released. Visits from his family and judicious persons are encouraged. Every prisoner is, therefore, treated as his case requires. The purpose as to each of all is to try and change his course of life, and thus benefit him and society. It is believed this method is successful in a large majority of first convictions of first offenders.

Incarceration is not punishment, it is only the condition under which it may reasonably be applied. Continuous labor during incarceration does not in itself constitute the entirety of punishment. It should be, however, adopted as an instruction, an element or marked feature in the discipline, with other instructions in the process of making punishment a personal benefit and an advantage to the public. Teaching a prisoner a trade, by which he may become self-supporting on his release from punishment, is a gain both for him and the community. That is labor which pays in morals, and as an industry intended to be both punitive and reformatory, it pays as an economy. It is doubtful if the man or the State gains any practical good by the incarceration at labor only, of violators of law. It is not doubtful that the outcome of congregating convicts at labor as their only punishment is dangerous to the general security. From this association a crime-class is established to war on the general welfare as its occupation. Punishment should attempt to reconstruct the enfeebled or irrational or misdirected character.

To discover the crime-cause, the weaknesses, the untaught and corrupted conditions and the positive needs of each convict is the antecedent of any rational method for his treatment in prison, and for the application of any moral alterative or corrective. This is undoubtedly the purpose, the aim and the gain of punishment. In this view the subject is elevated out of the domain of benevolence to the character of an important social science. It is this philosophy which regulates and characterizes the individual treatment of the Eastern State Penitentiary. To attain this purpose requires trained and competent officials, who, by long service, become qualified for their duties. It must be for them a vocation. Their tenure of positions must originate in high character, and continue with their usefulness in their responsible trust.

In the fifty-three annual reports of the Inspectors of the Eastern State Penitentiary will be found the history of the growth of the experiment which originated in Philadelphia a century ago. These reports, from the year 1829 to the present time, contain very interesting descriptions of the merits, and the objections to the separate system, and, from 1870 to 1883 inclusive, a thorough explanation of the changes and improvements in the system, and an exposition of the scientific principles which underlie them.

It may be justly claimed that the reforms in prison systems, or their administration, in the United States, as well as in foreign countries, are the out-come of the century of labors, efforts, and experience of the benevolent and philosophic men who in Philadelphia originated and have given to the Pennsylvania system its renown.

And it may with equal justice be maintained that those reforms in con-

vict punishment which are now so general are identified with the initial experiment in the Commonwealth of Pennsylvania.

It would doubtless be out of place in this paper to discuss the evils which attach to the profit-making congregate prisons.

The peril to society, the corrupting influences, the degradation and training in crime, which are inseparably connected with association of convicts, must exist while it is maintained.

It need only be stated that in old communities, or States where those who are convicted of crimes, of whatever physical and mental condition, capables and incapables, are indiscriminately incarcerated in a prison on the congregate, profit-making, self-supporting plan, the outcome exceeds the income. As a fact, under all the circumstances, such institutions cannot be proved to yield a profit to the State.

The theory of self-supporting congregate prisons under the conditions just mentioned is not always sustained. The sturdy adults, selected from the aggregate of all persons convicted in a State, may yield by their associate labor a profit to the prison. If so, then such a prison is a State manufactory. This is not regarded as a judicious adaptation of the purpose of a penal institution for the punishment of offenders against social security.

The State Penitentiary at Philadelphia is the only institution in the United States in which the "Individual treatment system" is administered. In England some of its features are engrafted on the penal discipline of its prisons, so far as the social conditions of that country accept them as practical. In France, Belgium, and Italy, greater progress than elsewhere in Europe has been made in adopting the separate plan in the prisons of those nations.

In some of the States of the Union there is a gradual approach to the principle of separation of convicts in prison, and a tacit acknowledgment of the value of the Pennsylvania system. The chief obstacle to a more thorough conformity is the proclaimed cost. It is hardly possible to convince those who legislate for, or conduct State penal institutions, even in States claiming to be enlightened, that any plan which does not pay its expenses is for the general interest of the people. Under this pretext this general delusion is vitalized. Till it shall be acknowledged a delusion, and the substantial interests of the public best considered by adopting the reform which is slowly manifesting its value, the Pennsylvania system must wait for its coming triumph. How long a period may intervene is problematical. Be it as it may, it must not deter or dishearten. The process of development in social science is necessarily deliberate. The consideration and clear comprehension of the relations of society to the violators of its laws are unattractive to the mind of the public. The code defining crimes changes as social conditions change. Education, heredity, customs, prejudices, false training, insubordination, and bad association, are among the incentives to unregulated individual conduct in communities, and thence crime is the outcome. How to deal with these

changing social growths is best to be found in the philosophy of the individual treatment of crime-cause, and its appropriate remedies.

That such a conclusion will be reached, as penology is studied, is most likely. If so, it will be the conviction of the judgment which comes from the demonstration of the principles which, since 1790, in this city have been taught as the science of convict punishment. This advance will be slow. It must be remembered that Beccaria in his essay on "Crimes and Punishment" in 1764; Filangieri in his "Science of Legislation" in 1780 and Montesquieu in his "Spirit of the Laws," 1748, were among the first to invite attention to penal jurisprudence. A century elapsed before practical advantages testified to the effect produced from this discussion of the subject. The Pennsylvania prison system rests its claim for recognition and adoption on the suggestions of philosophy, and the teaching of experience, confirmed by half a century of trial. It must teach, and wait.

Notes on the Stromateidæ. By Theodore Gill.

(Read before the American Philosophical Society, July 18th, 1884.)

The grave errors into which Dr. Günther seems to have fallen in the treatment of certain forms of this family furnish my excuse for the present communication. Dr. Günther has reiterated, without change, opinions enunciated twenty years ago, and he still separates widely forms of one of the subfamilies of this family, dispersing representatives thereof among four of his "families" and associating them in several cases with forms with which they have no affinity. Following Dr. Günther in the first instance Dr. Day has also misunderstood one of the types in question, and Dr. Lütken has likewise been deceived as to the relationships of the same form.

The family, as here understood, is co-equal with the Stromateidæ of Dr. Günther, with the addition of several types widely scattered by that gentleman. It embraces in fact, (1) the Stromateidæ recognized as such by Dr. Günther, (2) the genus *Pammelas* of his *Carangidæ*, (3) the species *Psenes anomalus* of his *Nomeidæ*, and (4) the genus *Schedophilus* of his *Coryphænidæ*. There are two quite distinct types in the group thus constituted, (1) one represented by *Stromateus* and its allies, and (2) the other by *Centrolophus* and relatives. These are distinguished by differences in the development of the vertebræ, the former having 14-15 abdominal and 17-21 caudal vertebræ, and the latter 11 abdominal and 14 caudal vertebræ; these differences are supplemented by variations in the degree of complexity of the peculiar appendages representing and homologous with the gill-rakers of ordinary fishes, developed from the last branchial arch, and extending into the œsophagus. It is quite possible, therefore, that the two types, now retained as sub-families under the old names *Stroma-*